

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

M.F.A.No.62 of 2003(B)

I.C.NO.93/2000 OF EMPLOYEES' INSURANCE COURT, PALAKKAD

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APPELLANT: OPPOSITE PARTY:-

EMPLOYEES STATE INSURANCE CORPORATION,
REPRESENTED BY ITS REGIONAL DIRECTOR,
ROUND NORTH, THRISSUR

BY ADV. SRI.T.V.AJAYAKUMAR

RESPONDENT: APPLICANT:-

WOOD DEC PLAZA (P) LTD., PERINGANNOR,
PERAMANGALAM P.O., THRISSUR DISTRICT

BY ADV. SRI.M.B.PRAJITH.

THIS MISCELLANEOUS FIRST APPEAL HAVING BEEN FINALLY
HEARD ON 10/04/2007, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:-

K.Padmanabhan Nair,J.

M.F.A.No.62 of 2003-B

Dated, this the 10th day of April, 2007

JUDGMENT

The Employees' State Insurance Corporation is the appellant in this appeal. The only challenge in this appeal is regarding the date on which the contribution is to be paid.

2. There are two inspection reports. Initially the establishment was inspected by one Inspector on 4.8.1999 and he filed Exhibit B1(a) list of employees. Subsequently, another Inspector conducted inspection on 5.10.2000. One of the names mentioned as employees in Exhibit B1(a) list was included in the subsequent list also. But, it was stated that she was appointed only with effect from 2.1.2000. So, there are conflicting versions by two Inspectors. The stand taken by the employer was that Rosely.C.A., whose name appears in both the lists, was actually employed from 2.1.2000. Prior to that, she was serving tea to the employees and collecting money for the same. The question regarding the date on which the establishment is liable to be covered is a pure question of fact. The Insurance Court found that Exhibit B1(a) cannot be relied and relied on Exhibit B3

submitted by the Inspector of the appellant and held that the establishment was liable to pay contribution from 2.1.2000. That is a question of finding of fact, which cannot be interfered in appeal. So, there is no merit in this appeal and the same is only to be dismissed.

In the result, the appeal is dismissed.

K.Padmanabhan Nair
Judge

vku/-